

12 SEP 2005



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AUSTRALIA

In re Application of	:	
SMALL	:	DECISION ON RENEWED
Serial No.: 10/509,297	:	
PCT No.: PCT/AU02/00413	:	PETITION UNDER
Int. Filing Date: 28 March 2002	:	
Priority Date: 28 March 2002	:	37 CFR 1.47(b)
Atty Docket No.: None	:	
For: THERMAL STORAGE DEVICE	:	

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.47(b)" filed 06 September 2005 to accept the application without the signature of inventor Barry James Small.

BACKGROUND

On 14 July 2005, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file a request for reconsideration.

On 06 September 2005, applicant responded with the present renewed petition.

DISCUSSION

As detailed in the decision mailed 14 July 2005, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (3), (5) and (6).

With the current filing and accompanying papers applicant has satisfied the remaining three items and positively addressed the issues raised in the previous decision. As such, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 28 March 2002 under 35 U.S.C. 363, and will be given a date of **06 September 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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Mr. Barry Small
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In re Application of
SMALL
Serial No.: 10/509,297
PCT No.: PCT/AU02/00413
Int. Filing Date: 28 March 2002
Priority Date: 28 March 2002
Atty Docket No.: None
For: THERMAL STORAGE DEVICE

Dear Mr. Small:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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